

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

COURTNEY GRAVES,

Plaintiff,

v.

Case No. 1:21-cv-1367

FOULGER-PRATT COMPANIES, LLC, et al.,

Defendants.

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

COMES NOW Defendant, Progress Environmental, LLC (“Progress”), by counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6) moves this Court to dismiss Plaintiff’s Complaint against Progress with prejudice (“Motion”). The grounds for Progress’ Motion are more fully set forth in the accompanying Memorandum in Support, being filed this day.

WHEREFORE, Progress Environmental, LLC respectfully requests that this Court dismiss Plaintiff’s Complaint with prejudice, awards Progress its costs incurred in defense of Plaintiff’s Complaint, and for all other such relief as the Court deems just and proper.

Respectfully submitted,

PROGRESS ENVIRONMENTAL, LLC

By: /s/ Patrick D. Blake

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Counsel for Progress Environmental, LLC

NOTICE TO PRO SE PLAINTIFF

In accordance with the Eastern District of Virginia's Local Civil Rule 7, it is the obligation of any opposing counsel filing a dispositive motion against a *pro se* party to provide a warning consistent with the requirements of Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). The required notice states the following:

- (1) The *pro se* party is entitled to file a response opposing the motion and that any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed; and
- (2) The Court could dismiss the action on the basis of the moving party's papers if the *pro se* party does not file a response; and
- (3) The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party's version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
- (4) The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

CERTIFICATE OF SERVICE

I certify that on this 17th day of February 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will generate of Notice of Electronic Filing (NEF) effecting service on all counsel of record. Additionally, I hereby certify that this day I sent, via email and U.S. Mail, a true and correct copy of the foregoing to:

Courtney Graves
200 N. Washington Street, Unit 320547
Alexandria, Virginia 22320
CourtneyGravesEsq@gmail.com
Plaintiff

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